The undersigned, legal cwher(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 413.2f . to permit four free standing signs in lieu on the permitted three with a total square footage for all stens of 257,5 sq. ft. in ieu of the permitted 100 mg. It.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

The Kimmel Tire Co. has a separate building on the Fullerton Plaza Property na requires identification using its standard recognizable oval sign as us. at all of its other locations in this area.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property

	Legal Owner(s):	
Contract Purchaser:		
The Kimmel Tire Co.	East Bay Deve. Corp.	
(Type or Print Name)	(Type or Print Name)	MAP:
Signature James R. Hartman	Signature James T. Chadwick	RECTION
505 Isae Street	/	Conference
Addess	(Type or Print Name)	
Baltimure, Maryland 21224		TY, E
Ci yand State	Signature	BEARING:
AND PROOF Petitioner:		THAT:
CZau 5 Neon Signs, Inc.	5 Middlesex Ave. 617-628-8	600 BY:/
(T) or Print Name)	Address Phon	e No.
Copert E. Gether	Somerville. Mass. 02145	

Name, address and phone number of legal owner, con

Somerville, Mass. 02145

Tuesday

Alexandra Telephone No.: 685-7575 1808 Cherry Hill Rd. Belto. 685-7575

ORDERED By The Zoning Commissioner of Baltimore County, this 4

of August, 19 81, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

29th day of September

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORK
TOWSON, MARYLAND 21204 BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS

HARRY J. PISTEL, P. E. DIRECTOR

mature Robert E. Nethen

Baltimore, Maryland 21230

808 Cherry Hill Road.

ORDER

August 26, 1981

Mr. William E. Hammond Zoning Commissioner County Office Building Towson, Maryland 21204

> Re: Item #19 (1981-1982) Property Owner: East Bay Dev. Corp. 348' N/E from centerline of Fitch Avenue 42' S/E from centerline of Belair Road Acres: 257.5 sq. ft. District: 14th

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item. General:

Baltimore County highway and utility improvements are not directly involved and are secured by Public Works Agreement 147802, executed in conjunction with the development of "Plat One, Section One Putty Hill Commercial Center" (recorded E.H.K., Jr. 44, Folio 116), of which this site is a part.

Comments were also supplied in connection with Item 93 (1980-1981), for another sign within this development.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 19 (1981-1982).

Ram: Eam: FWR: 55

cc: Jack Wimbley

M-SW Key Sheet 28 NE 20 & 21 Pos. Sheets NE 7 E & F Topo 81 Tax Map

Attachments

RE: PETITION FOR VARIANCE SE/S of Belair Rd., 348' NE of centerline of Fitch Ave.. 14th District

BEFORE THE ZONING COMMISSIONER

OF BALTIMORE COUNTY

EAST BAY DEVE. CORP., Petitioner: Case No. 82-89-A

ORDER TO ENTER APPEARANCE

::::::

Mr. Commissioner:

Pursuant to the authority contained in Section 524, 1 of the Baltimore County Charter. The by enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman Deputy People's Counsel

Mr. William E. Hammond Zoning Commissioner

County Office Building

Towson, Maryland 21204

Doar Mr. Hammong:

Goneral:

RAM: EAM: PWR: 89

cc: J. Fimbley

M-SW Key Sheet

NE 7 2 Topo 81 Tax Map

R. Covahey

28 ME 21 Fos. Sheet

John W. Hessian, III feople's Counsel for Baltimore County Rm. 223, Court House Towson, Maryland 21204 494-2188

I HEREBY CERTIFY that on this 16th day of September, 1981, a copy of the aforegoing Order was mailed to Robert E. Nethen, Claude Neon Signs, Inc., 1808 Cherry Hill Road, Baltimore, Maryland 21230; James R. Hartman, President, The Kimmel Tire Co., 505 Kane Street, Baltimore, Maryland 21224; and James T. Chadwick, East Bay Deve. Corp., 5 Middlesex Avenue, Somerville, Massachusetts 02145.

December 5, 1930

Property Owner: Bast Bay Associates of Maryland

S/3 cor. Balair Ri. and Salvo Rd.

The following comments are furnished in regard to the plat submitted to this office

Acres: 118 sq. ft. District: 14th

(Pullerton Associates)

Ra: Itam #93 (1980-1981)

for review by the Zoning Advisory Committee in connection with the subject item.

This property, a portion of "Plat One, Section One, Putty Hill Commorcial

Baltimore County highway and utility improvements are not to be directly

with the development of Putty Hill Commercial Fark - Fhase One. The proposed F. S.

Roy Rogers Pylon Sign at the northeast corner of this site must not be constructed

within Exitiaore County or State Highway Administration rights-of-way.

Advisory Committee review in connection with this Item 93 (1930-1981).

involved and are secured by Fublic Works Agreement #147802, executed in conjunction

This office has no further comment in regard to the plan submitted for Zoning

Very truly yours,

MODERT A. MORTON, P.E., Chief

Eureau of Public Services

Center", E.R.K., Jr. 44, Polio 116, is located in the 14th Election District of

Ealtimore County, not the 4th Election District as indicated.

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 23, 1981

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. fowson, Maryland 21204 Mr. Robert E. Nethen

Nichr 3 B. Commodari , Chairman

MEMBERS Bareau of Engineering Department of

Traffic Engineering State Roads Commissio Bureau of Health Department Project Planning Building Department Bhard of Education 20ning Administration Industrial

Development

1808 Cherry Hill Road Baltimore, Maryland 21230 RE: Item No. 19 Petitioner - East Bay Dev. Corp.

Dear Mr. Nethen:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of . the requested zoning.

Variance Petition

Because of your proposal to erect an additional free-standing sign on the subject property, this variance hearing is required. A similar type variance (Case #81-130-A) was granted on February 11, 1981.

Enclosed are all comments submitted to this office from the committee members at this time. The remaining members felt that no comment was warranted. This petition was accepted for filing on the date of the enclosed certificate and a hearing scheduled accordingly.

Very truly yours,

William J. Commedari. NICHOLAS B. COMMODARI Chairman

Zoning Plans Advisory Committee

Enclosures

NBC: bac

James J. O'Donnell M. S. Caltrider

August 24, 1981

Mr. William Hammond Zoning Commissioner County Office Bldg. Towson, Maryland 21204

Attention: Mr. N. Commodari

Maryland Department of Transportation

Re: Z.A.C. Meeting of 8/4/81 ITEM: #19. Property Owner: East Bay Dev. Corp. Location: 348' N/E from centerline of Fitch Avenue 42' S/E from centerline of Belair Road Existing Zoning: BL Proposed Zoning: Variance to permitt four (4) free standing signs in lieu of the required three (3) and a total footage for all signs of 257.5 sq. ft. in lieu of the required 100 sq. ft. Acres: 257.5 sq. ft. District: 4th

Dear Mir. Hammond:

On review of the plan and field inspection, the State Highway Administration is generally agreeable to the location of the proposed sign outside the State right of way.

Very truly yours,

Charles Lee, Chief Bureau of Engineering Access Permits

CL:GW:maw

cc: Mr. J. Wimbley

By: George Wittman

Henze Willman

My telephone number is (301) 659-1350

P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON MARYLAND 21204 NORMAN E. GERBER DIRECTOR

September 14, 1981

Mr. William Hammond, Zoning Commissioner Zoning Advisory Committee Office of Planning and Zoning Baltimore County Office Building Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #19, Zoning Advisory Committee Meeting, August 4, 1981, are as follows:

Property Owner: East Bay Dev. Corp. Location: 348' N/E from centerline of Fitch Avenue 42' S/E from centerline of Belair Rd. Acres: 257.5 sq. ft. District: 4th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

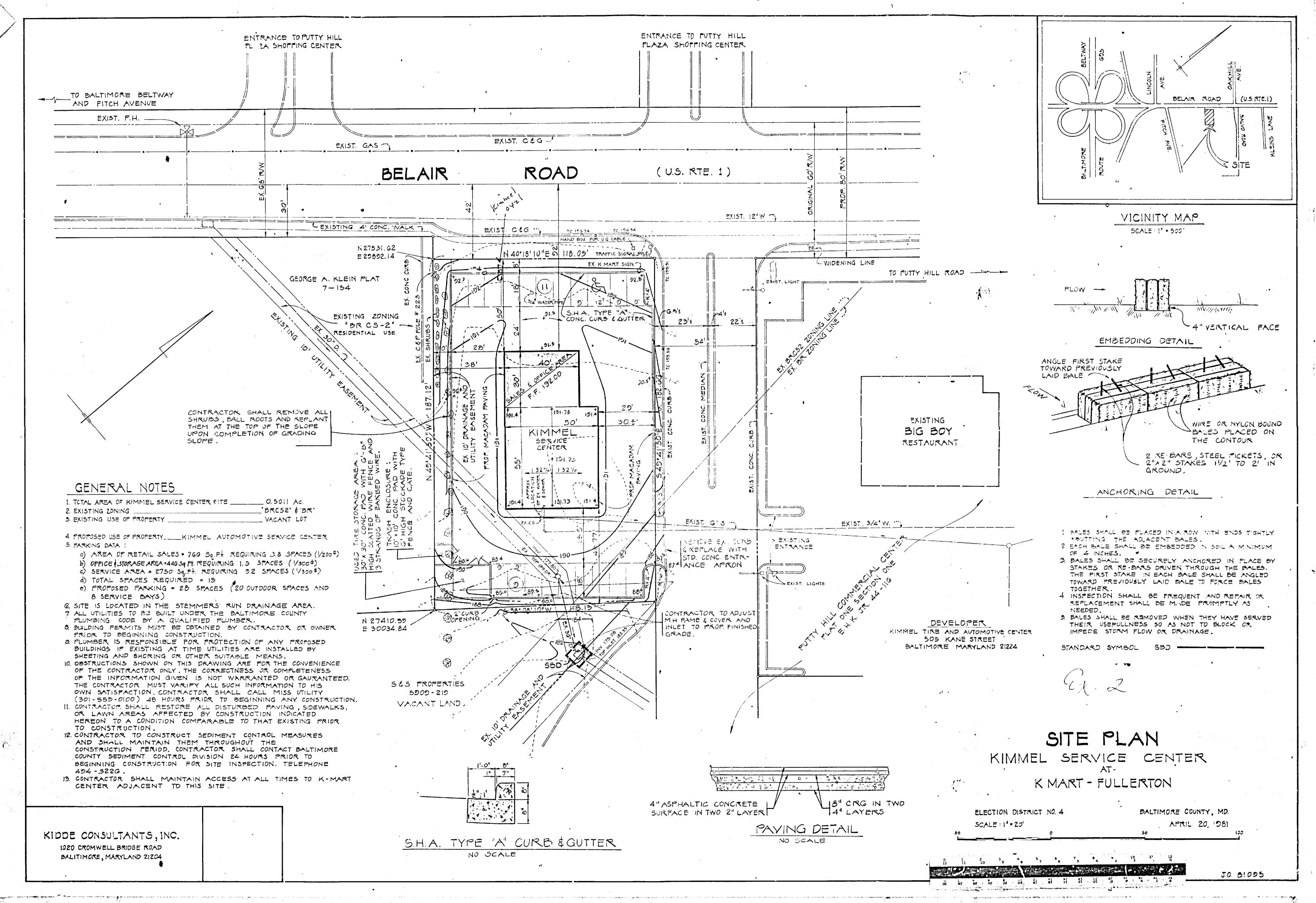
This petition meets the requirements of the Division of Current Planning and Development.

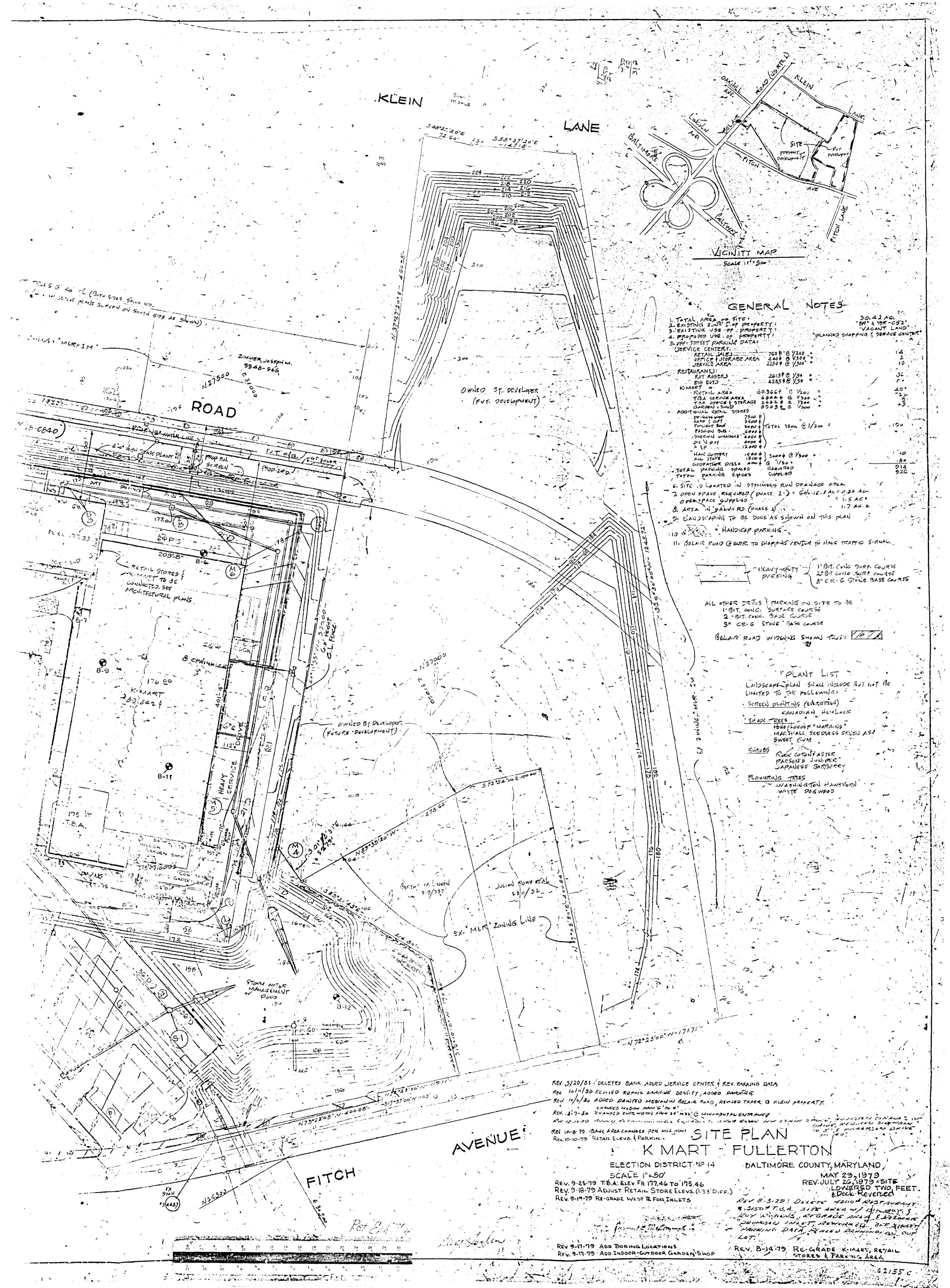
Very truly yours,

John L. Wimbley Planner III

Current Planning and Development

JLW:rh

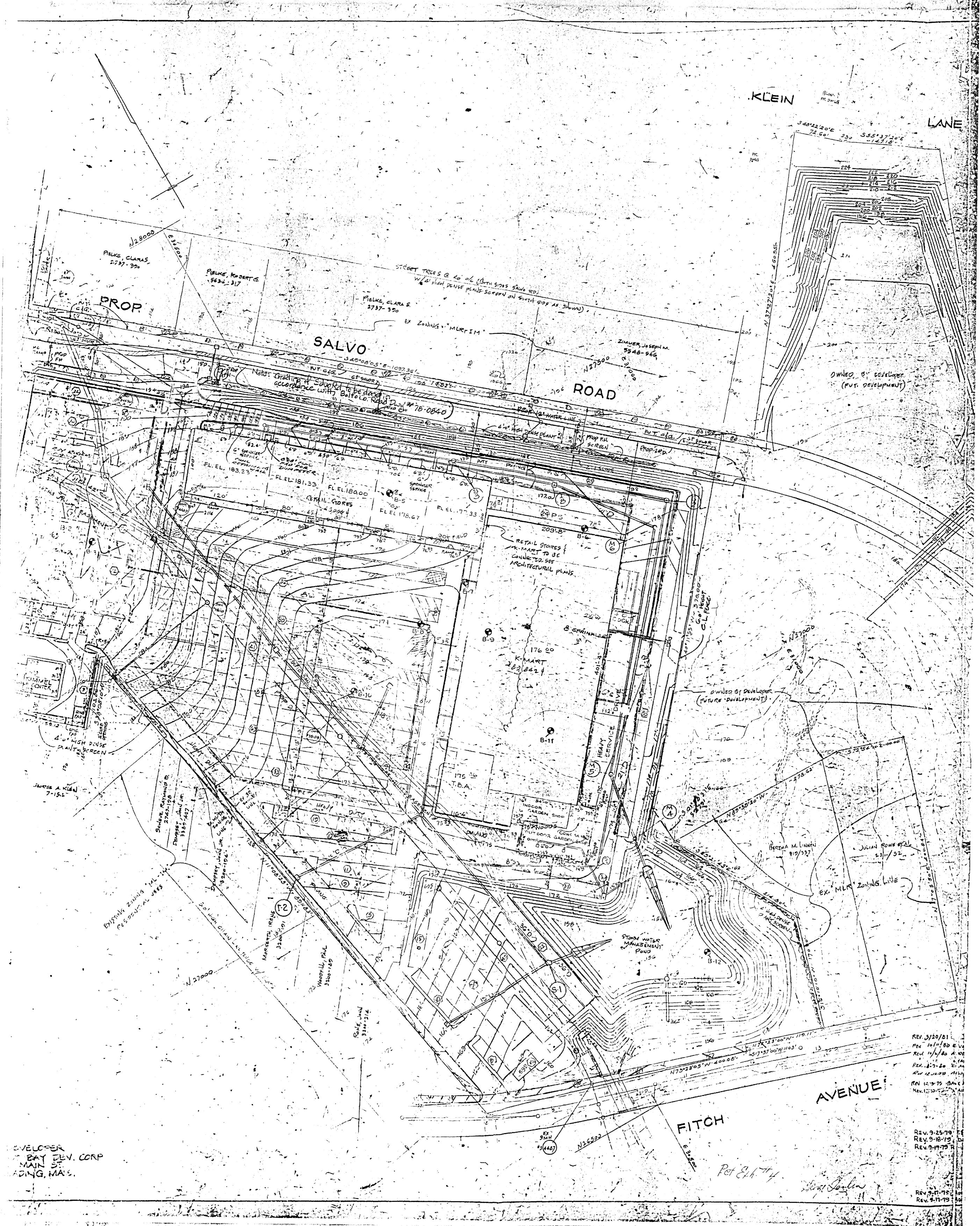




PIELKE, CLARAS, 2737-390 OAK HILL ROMD STREET TREES @ 40' of (BOTH SIDES SAWO RD)

WATHAN DENSE PLANT SCREPN ON SOUTH SIDE AS SHOWN) PIELKE, KOBERT G. 5636 . 317 3 - PIELKE, CLARA 5. PROP SALVO REMILL STORES RETAIL STORES ! CONNETED SET

ARCHITECTURAL PLANS 175 46 ENGINEER. EAST BAY DEV. CORP 100 MAIN ST. READING, MASS.



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

FRCM Ian J. Forrest

SUBJECT Zoning Variance Items

The Baltimore County Department of Health has reviewed the following zoning variance items, and has no specific comments regarding same:

Item #239 - Ghulan Sarwar

Item #247 - Betty Lee Dulany, et al

Item # 10 - Fung Kun Lun, et al

Item # 11 - Baltimore and Ohio Railroad Company

Item # 14 - Lewis Investment Company

Item # 15 - North View Associates

Item # 16 - Transportation Displays, Inc.

Item # 17 - Gale and Helen Nelson

Item # 18 - William and Kathryn Koenig

✓ Item # 19 - East Bay Development Corp.

Item # 21 - Karen Daniels, et al

Item # 22 - Wesley R. and Cecilia M. Daub

Item # 23 - Demetris Demetrakis

Item # 24 - Bertha Linnen

Item # 26 - Robert H. and Pearl A. Bouse, Jr.

Item # 27 - Randallstown Associates

Item # 28 - Arundel Lumber Company, Inc.

Item # 29 - Pulaski Industrial Park, Assoc.

Item # 30 - Samuel L. and Margaret B. Brown

Item # 32 - Charles J. and Eva Ice Fischer Ian J. Forrest, Director BUREAU OF ENVIRONMENTAL SERVICES

IJF/fth

baltimore county department of traffic engineering TOWSON, MARYLAND 21204

STEPHEN E. COLLINS DIRECTOR

September 18, 1981

Mr. William Hammond Zoning Commissioner County Office Building Towson, Maryland 21204

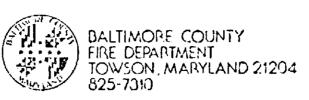
Dear Mr. Hammond:

The Department of Traffic Engineering has no comment regarding items numbers 17 through 23.

Traffic Engineering Associate II

THE PROPERTY OF THE PROPERTY O

MSF/r1j



PAUL H. REINCKE CHIEF

Mr. Filliam Hammond Coming Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, Marylan 21204

Attention: Nick Commodari, Chairman Zoning Plans Advisory Committee

RE: Property Owner: East Bay Dev. Corp.

Location: 348' N/E from centerline of Fitch Avenue 42' S/E from centerline of Belair Road. Zoning Agenda: Meeting of August 4, 1981 Item No.: 19

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments held w marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

() 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

() 6. Site plans are approved, as drawn.

(X) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: Cast Jave 1 / Mas / 1/1/ Approved: Fire Prevention Bureau Special Inspection Division

/mb/nr

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Nick Commodari August 19, 1981 Charles E. (Ted) Burnham Zoning Advisory Committee SUBJECT Meeting of August 4, 1981

TTEM NO. 17 See comments ITEM NO. 18 See Comments / ITEM NO. 19 Standard Comments ITEM NO. 20 See Comments ITEM NO. 21 See Comments ITEM NO. 22 See Comments ITFM NO. 23 Standard Comments

> Charlo & Sumbon Charles E. (Ted) Burnham Plans Review Chief

CEB:rrj

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: - August 3, 1981

Mr. William E. Hammond

Zoning Commissioner Baltimore County Office Building 1111 West Chesapeake Avenue Towson, Maryland 21204

Z.A.C. Meeting of: August 4, 1981

RE: Item No: 17, 18, 19, 20, 21, 22, 23 Property Owner: Location. Present Zoning: Proposed Zoning:

District: No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours Wm. Nick Petrovich, Assistant Department of Planning

WNP/bp

POITION FOR VARIANCE

14th DISTRICT

Petition for Variance

LOCATION:

ZONING:

Southeast side of Belair Road, 348 ft. northeast of centerline of Fitch Avenue

DATE & TIME:

Tuesday, September 29, 1981 at 9:30 A. M.

PUBLIC HEARING:

Room 106. County Office Building, 111 W. Chesapeake Ave.,

Townon, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

> Petition for Variance to permit four free standing signs in lieu of the permitted three with a total square footage for all signs of 257.5 sq. ft. in lieu of the permitted 100 sq. ft.

The Zoning Regulation to be excepted as follows: 413. 2f - permited number of signs and permited square footage.

All that parcel of land in the Fourteenth District of Baltimore County

VARIANCE

Located on the southeast side of Belair Road approximately 348 ft. northeast of centerline of Fitch Avenue and running the following courses and distances:

N 40° 18' 10" E 607' thence S 49° 41' 50" W 199.12 thence S 40° 18' 10" W 607' thence N 49° 41' 50" W 199.12 to the place of beginning.

September 17, 1981

WILLIAM E HAMMOND ZONING COMMISSIONER

Claude Neon Signs, Inc. Mr. Robert E. Nethen 1808 Cherry Hill Road Baltimore, Maryland 21230

Petition for Variance SE/s Eelair Rd., 348' NE of centerline of Fitch Avenue Case #82-89-A

is due for advertising and posting of the above property.

Karen Riegel, Room 113, County Office Building, Towson, Maryland 21204 before the hearing.

WEH:klr

Being the property of East Bay Deve. Corp., as shown on plat plan filed with the Zoning Department

Hearing Date: Tuesday, September 29, 1981 at 9:30 A. M. Public Hearing: Room 106, County Office Building. 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF WILLIAM E. HAMMOND ZONING COMMISSIONER OF BALTIMORE COUNTY BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

East Bay Deve. Corp. - Petitioner

Dear Mr. Nethen:

This is to advise you that \$47.63

Please make check payable to Baltimore County, Maryland, and remit to

Zoning Commissioner

0 LAW OFFICES Description Of Property Mr. Robert E. Nethen 'YARTZMAN, ROMBKO, RUDD & OMANSKY, P. A. December 5, 1981 Claude Neon Signs, Inc. 25 SOUTH CALVERT STREET All that Parcel of land in the 14th district of Beltimore County 1802 Cherry Hill Road BALTIMORE, MARYLAND 21202 PAUL WARTZMAN RONALD L.SCHREIBER Baltimore, Maryland 21230 September 1, 1981 RICHARD T. ROMBRO 685-0H (1934-1980) Beginning at a point, said point being approximately 348 northeasterly LEON J. RUDD from the center line of Fitch Ave. and also being approximately 42' JOSEPH H. OMANSKY southeasterly from the center line of Belsir Road. Thence in a NOTICE OF HEARING LEE N. SACHS STEVE G. GILDEN northeasterly direction 4.0% to a point, thence in a southeasterly direction November 20, 1981 MICHAEL E. KAMINKOW John W. Hessian, III, Esquire 12:0" to a point, thence in a southwesterly direction 4:0" to a point, thence Pedition for Variance MARTIN I. ALPERSTEIN People's Counsel for Baltimore County in a northwesterly direction 12.0m to the place of beginning forming a SE/s of Belair Rd., 346' NE of STUART R. ROMBRO Room 223, Court House rectangle 12:0" by 4:0" in which the eign is to be placed. ROBERT 1. STEINBERG centerline of Fitch Ave. Towson, Maryland 21204 East Bay Deve. Corp. - Petitioner Being the property of East Bey Deve. Corp., 5 Hiddlesex Ave., Somerville, Mass. 02145. As shown on plat plan filed with the Zoning Department. Zoning Commissioner Case #62-69-A County Office Building Petition for Variance 9:30 A. M. Towson, Maryland 21204 SE/s of Belair Rd., 348' NE of centerline of Firch Avenue Tuesday, September 23, 1981 Re: Petition for Variances East Bay Develop. Corp. - Petitioner SE/S of Belair Road, 348' NE of Case #82-89-A the centerline of Fitch Avenue -11th Election District Dear Mr. Hessian: PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE, East Bay Development Corp. and Kimmel Automotive, Inc., Petitioners (NO. 82-89-A Item No. 19) Please be advised that on November 20, 1981, an appeal was filed by Richard T. Rombro, Attorney for East Bay Development Corp. and Kimmel TOWSON, MARYLAND Dear <ir: Automotive, Inc., Petitioners, from the decision rendered by the Zoning Commissioner of Baltimore County. I am enclosing herewith a Notice of Appeal together with our check in the amount of \$70.00. I assume that we will be advised and billed for the You will be notified of the date and time of the appeal hearing when it costs of posting when that is determined. is scheduled by the County Board of Appeals. I would appreciate your docketing the enclosed Appeal. cc: The Kimmel Tire Co. 505 Kane Street Very truly yours, Baltimore, MD 21224 East Bay Deve. Corp. William E. Hammond 5 Middlesex Avenue Zoning Commissioner Somerville, Mass. 02145 WEH:kir BALLIMORE COUNTY RTR/dz encl. cc: Mr. James T. Chadwick East Bay Development Corporation cc: Claude Neon Signs, Inc. cc: Kimmel Automotive, Inc. Mr. James R. Hartman The Kimmei Tire Company Mr. Robert Nethen Claude Neon Signs, Inc. 494-3180 CZ TEO WAL County Board of Appeals WARTZMAN, ROMBRO, RUDD & OMANSKY, P. A WARTZMAN, ROMBRO, RUDD 3 OMANSKY, P. A. Room 218, Court House ATTORNEYS-AT-LAW 25 SOUTH CALVERT STREET 1/11/82 - Notified of appeal hearing scheduled for TUESDAY, MARCH 23, 1982 at 10 a.m. 25 SOUTH CALVERT STREET BALTIMORE, MARYLAND 21202 Towson, Maryland 21204 PAUL WARTZMAN RONALD LUX.HREIBER BALTIMORE, MARYLAND 21202 RICHARD T. ROMBRO 685-0III January 11, 1982 11: 34-1980 Richard T. Rombro, Esquire LEON J. RUDD 685-0111 JOSEPH HLOMANSKY NOTICE OF ASSIGNMENT East Bay Dev. Corp. FILE NO. 35812 LEE N. SACHS PAUL WARTZMAN RICHARD T. ROMBRO The Kimmel Tire Co. STEVE C. GILDEN MICHAEL E. KAMINKOW Claude Neon Signs, Inc. JOSEPH H. OMANSKY LEE N. SACHS MARTIN LAIPERSTEPS November 24, 1981 John W. Hessian, III, Esq. STORES ROMBRO NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT STEVE G. GILDEN RUBERT LISTENSER November 30, 1981 MICHABL E. KAMINKOW REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN MARTIN J. ALPERSTEIN STUART R. ROMBRO STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONE-MENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEAR-ING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108 Zoning Commissioner County Office Building Zoning Commissioner Towson, Md. 21204 EAST BAY DEVELOPMENT CORP. CASE NO. 82-89-A County Office Building Towson, Maryland 21204 Re: Petition for Variance SE/S of Belair Road, 348' NE of for Variance from Section 413.2f (signs) Attention: Karen Riegel the centerline of Fitch Avenue -11th Election District SE/S Belair Rd. 348' NE of Fitch Avenue RE: Petition for Variance East Bay Development Corp. and SE/S of Belair Road, 348' NE of Kimmel Automotive, Inc., Petition-14th District the centerline of Fitch Avenue ers (NO. 82-89-A, Item No. 19) 11th Election District East Bay Development Corp. and 10/30/81 - Z.C. DENIED PETITION Gentlemen: Kimmel Automotive, Inc., Petitioners Time charged 3/16 per call (NO. 82-89-A, Item No. 19) TUESDAY, MARCH 23, 1982 at 10 a.m. from mr. Rembios affect Enclosed please find our check in the amount of \$35.00 to cover costs **ASSIGNED FOR:** of filing Notice of Appeal. Kindly return our check in the amount of \$70.00. Dear Ms. Riegel: cc: Richard T. Rombro, Esq. Counsel for Petitioners Enclosed please find our check in the amount of East Bay Development Corp. Petitioner \$5.00 to cover the costs for the posting signs. Very truly yours, Mr. James T. Chadwick WARTZMAN, ROMBRO, RUDD & OMANSKY, P.A. The Kimmel Tire Company Very truly yours, Contract Purchaser Richard T. Rombro Mr. James Hartman WARTZMAN, ROMBRO, RUDD & OMANSKY, P.A. Claude Neon Signs, Inc. Petitioner Mr. Robert E. Nethen John W. Hessian, III, Esq. People's Counsel RTR/dz enc1. Mr. W. E. Hammond RTR/emf Encl. Mr. J. E. Dyer Mr. N. E. Gerber Mr. J. G. Hoswell

The second secon

Edith T. Eisenhart, Adm. Secretary

494-3180

County Acard of Appeals Room 219, Court House Towson, Maryland 21204 March 31, 1982

Richard T. Rombro, Esquire 25 South Calvert Street Baltimore, Maryland 21202

> Re: Case No. 82-89-A East Bay Development Corp.

Dear Mr. Rombro:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Encl.

cc: East Bay Development Corp. The Kimmel Tire Company Claude Neon Signs, Inc. John W. Hessian, III, Esquire Mr. J. E. Dyer Mr. W. E. Hammond Mr. N. E. Gerber Mr. J. G. Hoswell



WILLIAM E. HAMMOND ZONING COMMISSIONER

October 30, 1981

Mr. James R. Hartman The Kimmel Tire Company 505 Kane Street Baltimore, Maryland 21224

> RE: Petition for Variances SE/S of Belair Road, 348 NE of the centerline of Fitch Avenue -14th Election District East Bay Development Corporation - Petitioner NO. 82-89-A (Item No. 19)

The second design of the secon

Dear Mr. Hartman:

I have this date passed my Order in the above referenced matter in accordance with the attached.

> Very truly yours, Zoning Commissioner

WEH/srl

Attachments

cc: Mr. James T. Chadwick East Bay Development Corporation 5 Middlesex Avenue Somerville, Massachusetts 02145

> Mr. Robert E. Nethen Claude Neon Signs, Inc. 1808 Cherry Hill Road Baltimore, Maryland 21230

John W. Hessian, III, Esquire People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. W. E. Hammond Zoning Commissioner September 16, 1981 Norman E. Gerber, Director Office of Planning and Zoning

SUBJECT____Petition No. 82-89-A Item 19

Petition for Variance Southeast side of Belair Road, 348 ft. northeast of centerline of Fitch Avenue Petitioner- East Bay Deve. Corp.

Fourteenth District

HEARING: Tuesday, September 29, 1981 (9:30 A.M.)

There are no comprehensive planning factors requiring comment on this petition.

Office of Planning and Zoning

NEG:JGH:ob

* BEFORE THE

RE: PETITION FOR VARIANCES SE/S of Belair Road, 348' NE of the centerline of Fitch Avenue -11th Election District

* ZONING COMMISSIONER East Bay Development Corporation

> * BALTIMORE COUNTY * NO. 82-89-A (Item No. 19)

Petitioners

NOTICE OF APPEAL

* * * * *

Mr. Commissioner:

KIMMEL AUTOMOTIVE, INC.

Baltimore, Maryland 21224

505 Kane Street

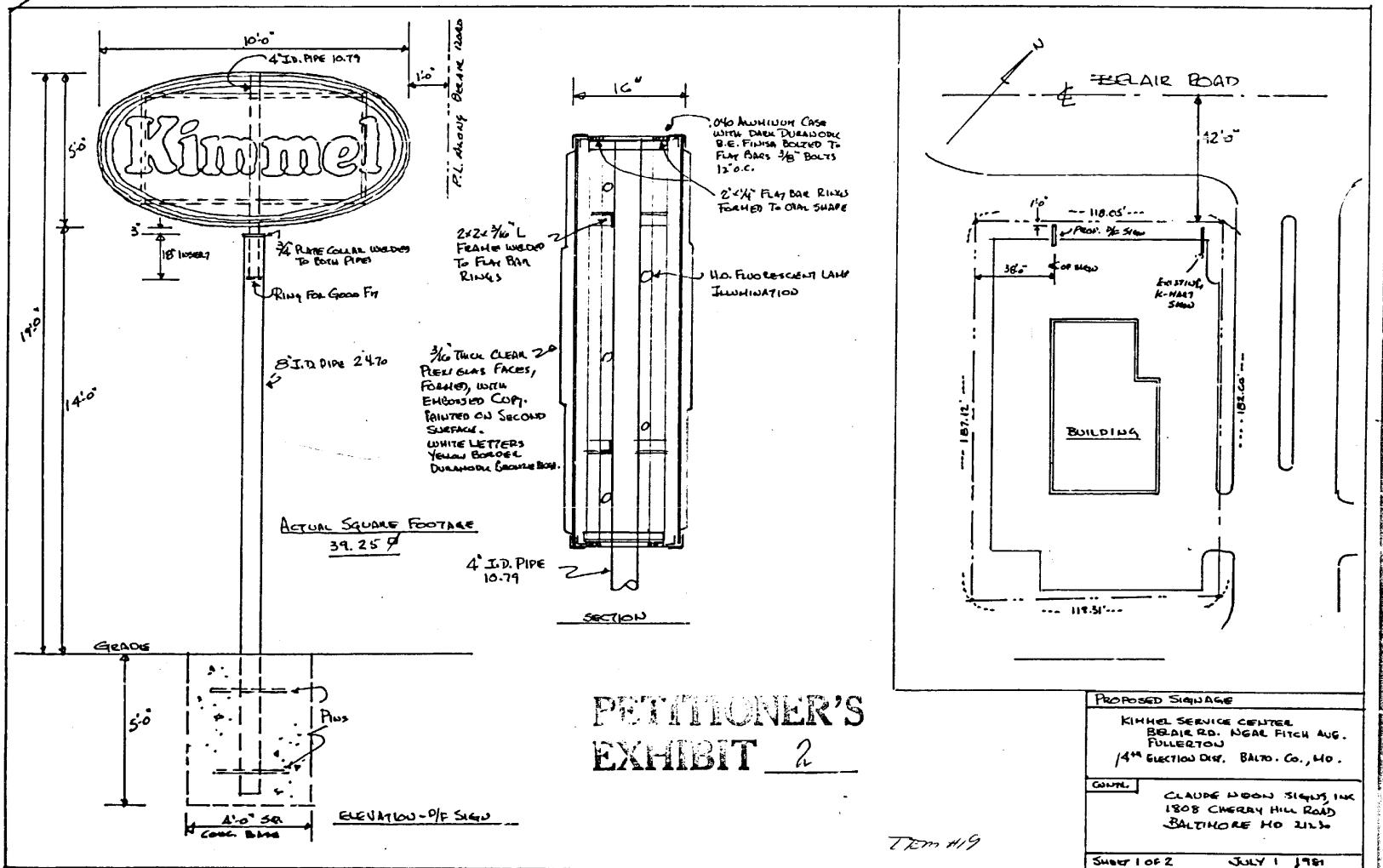
On behalf of the Petitioners, East Eay Development Corporation and Kimmel Automotive, Inc., please enter an appeal in the above-captioned matter to the County Board of Appeals from the Order dated October 30, 1981, denying the requested variances (two) for four (4) free-standing signs and a total square footage for all of such signs of 257.5 square feet.

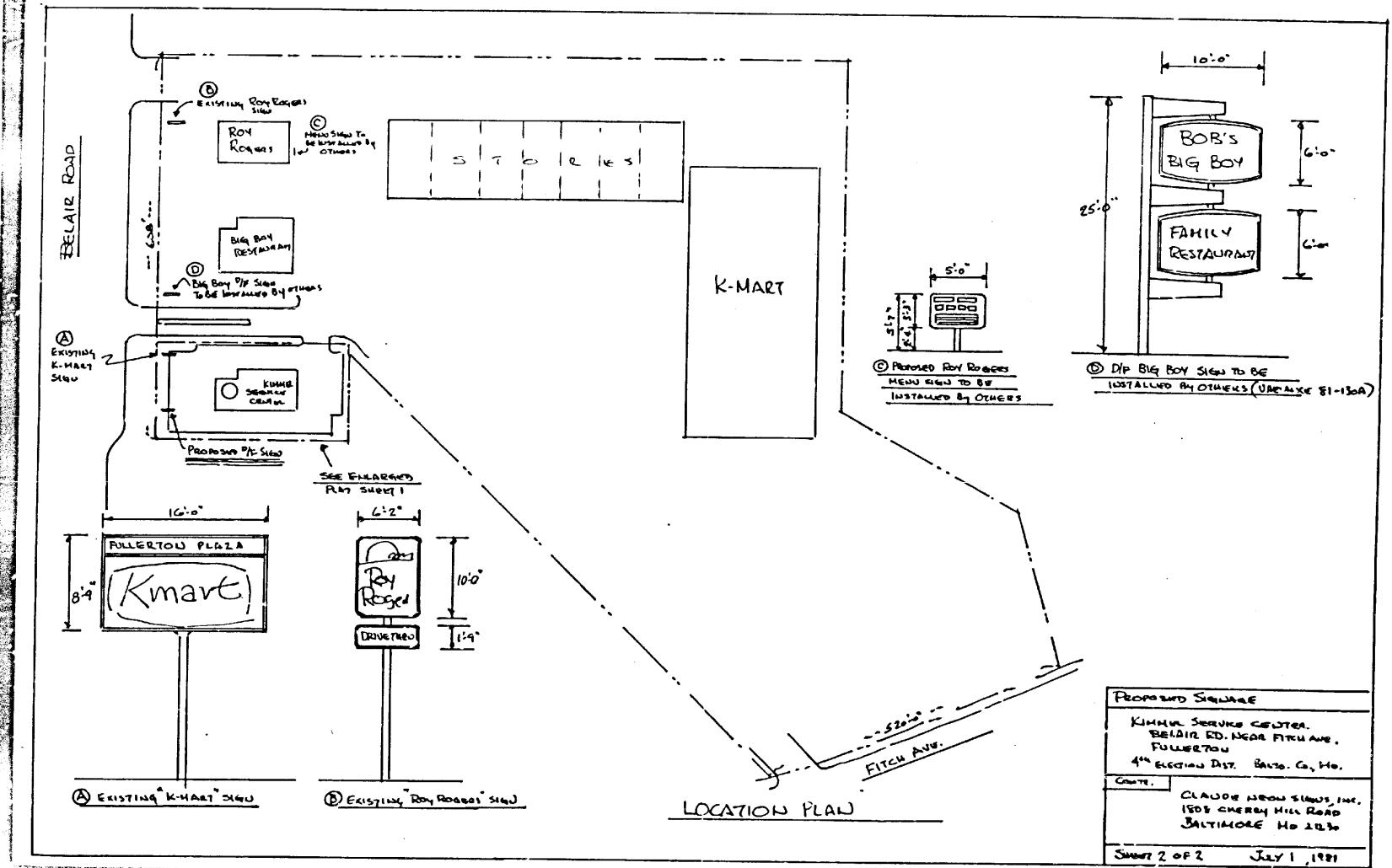
> WARTZMAN, ROMBRO, RUDD & OMANSKY, P.A. Transp / Nor

25 South Calvert Street Baltimore, Maryland 21202 685-0111 Attorneys for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this day of November, 1981, a copy of the Notice of Appeal was mailed to Peter Max Zimmerman, Esquire and John W. Hessian, III, Esquire, People's Counsel for Baltimore County, Room 233, Court House, Towson, Maryland 21204.





BATE

The same

RE: PETITION FOR VARIANCES SE/S of Belair Road, 348' NE of the centerline of Fitch Avenue - : 11th Election District East Bay Development Corpora -:

NO. 82-89-A (Item No. 19)

::: ::: :::

tion - Petitioner

BEFORE THE ZONING COMMISSIONER OF

BALTIMO. COUNTY

*** *** '**

The herein petitioner and contract purchaser, as owner of the subject site and as lessee of that portion of the subject site shown on the site plans filed herein, marked Petitioner's Exhibit 2, seek to secure variances to permit four free-standing signs in lieu of the permitted three signs and a total square footage for all such signs of 257.5 square feet in lieu of the permitted 100 square feet for a Kimmel tire facility to be included on the subject site.

Testimony in behalf of the petitioner, together with Sheet 2 of Petitioner's Exhibit 2, clearly establish that the need for this hearing has been precipated by the owner leasing portions of the total tract to businesses which rely upon logos or sign configurations for sight identification by potential customers using, in this instance, Belair Road. The other businesses include Roy Rogers Restaurant, Bob's Big Boy Restaurant, and K-Mart. Testimony further disclosed the presence of two signs for Roy Rogers—one of which is a menu board in the rear of the building, one sign for Bot's Big Boy (Case No. 81-130-A), and one sign for K-Mart, the latter being exempt from the sign regulations by reason of it being an identification sign (Section 413.2.e of the Baltimore County Zoning Regulations), irrespective of it having the K-Mart logo attached thereto. Although the petition indicates that the area variance requested for the four signs is 257.5 square feet, a calculation of the existing signs and the proposed Kimmel sign indicates a total of approximately 201 square feet. The difference appears to occur as the result of Petitioner's Exhibit 2 (Sheet 2) indicating double components, whereas the site indicates that a single component was erected.

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permitted 'under these sign regulations.

At the hearing Petitioner requested that a determination be made by the Board as to the appropriateness of the Planning and Zoning policy that includes a menu sign located in the rear of a commercial establishment, such as is the case in this instance with Roy Rogers, within the computation of "other business signs" of Section 413.2(f). On cross-examination of Mr. Swam, the Petitioner established that no written policy or opinion exists on this subject. The Board is of the opinion that as long as a policy is consistently and uniformly applied it is not necessary that such a position of policy or opinion be in writing. In this instance there is good reason to interpret a menu sign as an "other business sign" and thus clearly within the purview of Section 413.2(f). Thus for the purpose of Section 412.2(f) it is appropriate for the Planning and Zoning office to include such signs as "other business signs". Such a determination does, however, have an impact on this petition in that any injury to the public health, safety and general welfare may not be as substantial in this case as would be the case if the requested fourth sign was on such a property where three freestanding and road visible signs presently

Having carefully weighed the elements required under Section 307 to permit a variance in this instance against the testimony and evidence presented before the Board, the Board is of the opinion that the Petitioner has established the requisite practical difficulty and unreasonable hardship; that such a variance is in harmony with the spirit and intent of the sign regulations, and that the relief requested would not substantially injure the public health, safety and general welfare.

Therefore, for the reasons set out above, the Board, in the Order which follows, grants the Petitioner's request for variance.

ORDER

For the reasons set forth in the aforegoing Opinion, the Board overrules the Order of the Zoning Commissioner of Baltimore County, dated October 30, 1981, and it is

Section 413.2.f of the zoning regulations provides:

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"Other business signs (not exceeding three on any premises) may be used if limited to a total area of 100 square feet in Business Zones,..."

Section 307 of the zoning regulations gives the Loning Commissioner the power to grant variances from sign regulations when strict compliance would result in practical difficulty or unreasonable hardship, but only if the variance granted is in strict harmony with the spirit and intent of the sign regulations and then only in a manner as to grant relief without substantial injury to the public health, safe'y, and general welfare.

The obvious spirit and intent of the sign regulations to which the variances are requested is to restrict the proliferation of signs on a single site beyond that which the regulations contemplate as being acceptable in number and square footage. While the variance granted in Case No. 81-130-A dealt only with the sign area, the instant case requests variances to the number of signs and the total square footage. As such, the previous grant does not establish a precedent upon which to base the variances requested herein.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore day of October, 1981, that the herein Petition for Variances to permit four free-standing signs in lieu of the permitted three signs and a total square footage for all such signs of 257.5 square feet in lieu of the permitted 100 square feet be and the same is hereby DENIED.

> Alleans, Oli-Zoning Commissioner of Baltimore County

IN THE MATTER OF THE APPLICATION OF EAST BAY DEVELOPMENT CORP. FOR VARIANCE FROM Section 413.2(f) of the Baltimore County Zoning Regulation SE/S Belair Road, 348' NE of

14th District

BEFORE COUNTY BOARD OF APPEALS

C-

BACHMORE COUNTY centerline of Fitch Avenue No. 82-89-A

OPINION

This case comes to the Board on an appeal by the Petitiner from a decision of the Zoning Commissioner who denied the requested variance for a freestanding sign on This property is located on the southeast side of Belair Road 348 feet north of Fitch Avenue, in the Fourteenth Election District of Baltimore County.

The requested variance is taken from Section 413.2(f) of the Zoning Regulations that limits the number and size of signs in business centers. Section 413.2(f)

> "Other business signs (not exceeding three on any premises) may be used if limited to a total area of 100 square feet in Business Zones, and 200 square feet in M.L. and M.H. Zones."

Ti - testimony presented at the hearing indicated that at present on the subject property there exists a shopping center identification sign for the Fullerton Plaza as permitted by Section 413.2(e) that is presently advertising a K-mart store located on the premises. Also on the subject property there exists, or will exist pursuant to a variance being granted in a prior case, the following signs:

- 1. Roy Rogers freestanding sign located between the Roy Rogers building and Belair Road.
- Bob's Big Boy Family Restaurant freestanding sign located between the Bob's Big Boy Family Restaurant building and Belair Road.
- 3. Roy Rogers menu sign located behind the Roy Rogers building, which testimony indica ed was not visible from Belgir Road.

Testimony at the hearing indicated that the subject property includes the K-mart store and seven other attached stores located off the road frontage and from which access is provided by entrance off Belair Road and Fitch Avenue. Roy Rogers, Big Boy Restaurants and Kimmel Service Center each have road frontage and each have entrances

from Belair Road directly onto their properties.

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Anthony Sudano testified on behalf of Kimmel Service Center in support of the request for variance for the freestanding Kimmel sign. Mr. Sudano indicated that presently Kimmel has nine full service stores and five clearance stores in operation in the Baltimore metropolitan area. Each has standard and similar signage. Photographs of three of those locations were introduced as examples of such signage, and it is precisely this size and content of signs that is being requested in this instance. Mr. Sudano indicated that a hardship exists for Kimmel with respect to northbound traffic on Belair The hardship is due to poor visibility of the Kimmel store to northbound traffic because of the existence of a residence adjacent to the subject property that is closer to Belair Road than the Kimmel building, and that as a result motorists travelling northbound cannot see the Kimmel building until they have passed the residence located on the south side and adjacent to the subject property. Further along this vein, Mr. Robert Nethen of Claude Neon Signs, the contractor for the proposed sign, indicated that it was not until approximately fifty feet south of the property that the Kimmel building becomes visible. Additionally, at the north end of the Kimmel property there exists a traffic light for the use of motorists entering and exiting the shopping center. This, it was stated by Mr. Nethen, created an even greater difficulty for the Kimmel store to be seen due to the fact that once the store is visible to a motorist travelling northbound on Belair Road his or her attention should be on the traffic light.

In support of this hardship due to poor visibility, Petitioner introduced a site plan that does show an existing one and one-half story stone residence adjacent to the subject property that is closer to Belair Road than the Kimmel building.

People's Counsel presented Douglas Swam, an associate in the Office of Planning and Zoning, who indicated that the subject property now exceeds the total permitted signage area under Section 413.2(f), and that at present under Planning and Zoning office policy there exists the maximum three "other business signs" permitted under Section Thus the Petitioner requests a variance from both the size and number of signs



this 31st day of March, 1982, by the County Board of Appeals, ORDERED that the variances for both a fourth sign on the subject property and for increased sign area on the subject property are hereby GRANTED, so that a freestanding sign of no more than nineteen (19) feet in total height nor greater than an actual square footage of 39,25 square feet per face, as is indicated on Petitioner's Exhibit #3, is permitted.

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

